IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE

FIRST APPEAL NO. 1032 OF 2004

Office Notes, Office Memoranda of of Coram, appearances, Court's orders and Registrar's orders : Court's or Judge's orders

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Shri Harshad E. Palve for the appellant.

CORAM: P.V. KAKADE, J.

DATED: 24TH SEPT., 2004

P.C.:

1. Heard learned advocate for the appellant. Perused the record.

2. Rule. Rule made returnable forthwith.

3. The appellant has challenged the judgment and order dated 21.1.2004 passed by the Civil Judge, Sr. Divn., Nasik, awarding the amount of Rs.1,25,000/- to the plaintiff for the purpose of marriage expenses of her major daughter. Perusal of the plaint shows that, in fact, the plaintiff wife had claimed an amount of Rs.2,60,000/- for the purpose of maintenance and marriage expenses of adult children including the unmarried daughter but the learned Trial Judge did not allow the claim so far as the adult are concerned. The lower Court also did not

allow the claim of interest at the rate of 24% p.a. on the amount of maintenance granted and further also denied the claim of compensatory costs of Rs.50,000/- made by the defendant husband.

4. The only point agitated before this Court is regarding quantum of marriage expenses granted by the lower Court for the purpose of unmarried daughter of the plaintiff. The learned Trial Judge has observed that, considering the requirement in the present days for solemnization of the marriage and considering the status of the parties and needs of Rajashree for the performance of her marriage in the present days, in my opinion, an amount of Rs.1,25,000/- would be the proper quantum. The plaintiff had come with a case that expenses for the purpose of the marriage including ornaments, clothing, hall fare and sundry articles, etc. were required to be considered and, therefore, claimed Rs.1,30,000/- towards the said purpose, from which an amount of Rs.1,25,000/- was granted. It is to be noted that the defendant-appellant has nowhere come with a

case that he is not in a position to pay the said amount towards marriage expenses, especially when he admits the liability to expend towards marriage expenses of grown up daughter.

Further, the learned advocate for the appellant made submission that it would have been proper for the major daughter herself to come before the Court in order to claim the amount for marriage expenses from her father and on such count the suit may not be maintainable. I prefer to disagree with this proposition especially when the plaintiff is the mother of unmarried daughter and has every right to file the suit on behalf of unmarried daughter for the purpose of daughter's marriage, from defendant husband. No other point is raised before me and, therefore, I do not see any reason why the appeal should be entertained at this stage.

In the result, the appeal stands dismissed in limine with no order as to costs.

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